

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KATHERINE E. EDWARDS,  
Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,  
Defendant.

Cause No. C20-1226RSL

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. On August 13, 2020, defendant State Farm removed this case from state court based on diversity jurisdiction. Dkt. # 1. The complaint does not specify the amount of damages sought, however. In its Notice of Removal, defendant states only that it “reasonably believes” plaintiff is seeking to recover damages in excess of \$75,000. Dkt. # 1 at 2.

The general removal statute, 28 U.S.C. § 1441, is construed restrictively: any doubts regarding the removability of a case will be resolved in favor of remanding the matter to state court. *See, e.g., Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941); *Durham v. Lockheed Martin Corp.*, 445 F.3d 1247, 1252 (9th Cir. 2006). Defendant has the burden of proving by a preponderance of the evidence that removal is appropriate under the statute. Where the complaint does not specify the amount of damages sought, the Court will consider the allegations of the complaint, facts in the removal petition, and supporting summary judgment-

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1 type evidence relevant to the amount in controversy. *Lowdermilk v. U.S. Bank Nat'l Ass'n*, 479  
2 F.3d 994, 1004 (9th Cir. 2007).<sup>1</sup>

3 In her complaint, plaintiff alleges that she was involved in an automobile accident that  
4 caused "neck and inferior left scapular pain," "C4-5 anterior cervical discectomy and fusion,"  
5 "C-7 radiculopathy," "[l]eft sided costovertebral pain on the left side at T6," and "[b]reast  
6 implant rupture." Dkt. # 1-2 at 6-7. Plaintiff further alleges that she has received insurance  
7 payments from State Farm and the other driver's insurance company in excess of \$260,000.  
8 There is no information regarding the extent of plaintiff's unreimbursed medical expenses, the  
9 scope of her economic losses, and/or her prognosis. Defendant offers no additional facts  
10 regarding the accident, plaintiff's situation, or her demands for compensation that could provide  
11 an adequate basis for the Court to find that the jurisdictional amount is satisfied. The Court is not  
12 willing to presume that simply alleging accident-related injuries places the amount in  
13 controversy above the jurisdictional minimum.

14 Defendant State Farm is hereby ordered to show cause why this matter should not be  
15 remanded to state court for having failed to "provide evidence establishing that it is more likely  
16 than not that the amount in controversy exceeds" \$75,000. *Guglielmino v. McKee Foods Corp.*,  
17 506 F.3d 696, 699 (9th Cir. 2007) (internal quotation marks omitted).  
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26 <sup>1</sup> It is not plaintiff's burden to show that she is not seeking damages in excess of the  
27 jurisdictional amount. To the extent defendant removed this case in the hope of wringing a concession  
28 from plaintiff regarding the amount of her damages, such tactics are improper.

1 The Clerk of Court is directed to note this Order to Show Cause on the Court's calendar  
2 for Friday, August 28, 2020. Defendant's response, if any, is due on or before that date.  
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4 Dated this 18th day of August, 2020.

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6 Robert S. Lasnik  
7 United States District Judge  
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